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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,739	04/14/2004	Hideo Kitami	Q80966	4890

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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/823,739

Applicant(s)

KITAMI ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-15, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuoriniemi et al. (5,978,689).

Regarding claim 1, Tuoriniemi discloses a communication system (fig.5), comprising: a handsfree speaker (20); a handsfree microphone (16); a first sound device (10) for inputting/outputting a sound to the handsfree speaker/microphone that included an information terminal (22) (figs.5-9); a handset (22) call mic/ speaker (94, 92) in a second sound device (22), wherein the second sound device connects to the information terminal (figs.5-9); and selection means (38, 40, 124, 126, 12, 105) for selecting a connection destination on a transmitting end (58) of a telephone line (24) the first sound device and the second sound device, and for selecting a connection destination on a receiving end (60) the first sound device and the second sound device, so as to set at least one of the handsfree call microphone and the handset call microphone as an input destination, and one of the handsfree call loudspeaker and the handset call loudspeaker as an output destination (column 7-12).

Regarding claim 2, Tuoriniemi further discloses when a call arrival, the handsfree speaker is set as the output destination of a ringer tone (column 9 lines 1-6).

Regarding claim 3-4, Tuoriniemi further discloses a user switching a call arrival state to receiving the call by depressing a button to select the handsfree or the handset depending upon the on-hook/off-hook detection (column 5 line 59 to column 8 line 60, column 9 lines 1-33).

Regarding claims 9-12, Tuoriniemi further discloses if the handset is off-hook while the call state a handsfree call state, then the selection means selects the second sound device and changes the call state to the handset call state, depress a call button to switch from the handset to the handsfree, selects between the mic/speaker of handsfree/handset accordingly (column 5 lines 60 to column 8 line 60).

Regarding claims 13-15, Tuoriniemi discloses a pre-amplifier or components to make an impedance change as addition means for adding up the sound inputted (column 5 line 1-39); Tuoriniemi further discloses a recorder for recording the call (column 10 line 19, column 13 lines 2 to column 14 line 22).

Regarding claim 19, Tuoriniemi discloses a duplex (64) for inputting/outputting the sound to a transmitter/receiver and connecting to mics/speakers for handsfree audio device/handset audio device (fig.10).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi et al. (5,978,689).

Regarding claim 5-8, Tuoriniemi discloses a controller for operating on-off or squelch during call operations, performs user-operated audio device functions such as scan, stop, skip, repeat, transfer, conference call, a call waiting (column 9 lines 40-67, column 10 lines 14-42, column 11 lines 40-43), wherein Tuoriniemi further discloses the user can choose phone calls between three different options, from an active state to a stand-by state, or from a stand-by state to the active state (column 5 line 39 to column 7 line 59, column 9 lines 1-33) wherein the standby state is considered as a waiting state. It should be noted that when the handset is at the stand-by state, it is inherent neither the first and second sound devices selected. Furthermore, Tuoriniemi discloses that the handset is off-hook/on-hook while the call is arrived for switching to selection (column 5 line 59 to column 8 line 60, column 10 lines 15-43); depressing button to terminate the call (column 8 lines 35-61, column 9 lines 59-67). It also be noted that even though Tuoriniemi does not exactly disclose as term language used in the claims, but it is obviously it can read on each and every limitations in the claims.

5. Claims 16-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi et al. (5,978,689) in view of Kanazumi et al. (6,154,639).

Regarding claim 16-18, 20, Tuoriniemi does not specifically disclose controlling gain for transmitting and receiving sound.

Kanazumi discloses a communication system use both a handset sound device and a handsfree sound device, wherein the system having a gain controller for adjusting gain of sound for the system (column 5 lines 46-49, column 6 line 1-8, 32-35).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Turoinemi, modified by Kanazumi to adjust sound in order to be capable of listening to an audio signal in different environments.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi et al. (5,978,689) in view of Janssen et al. (2003/0157929).

Regarding claim 21, the modified Turoinemi can be implemented with a plurality of handsets, which is well known to those skilled in the art. however, the modified Turoinemi does not disclose so.

Janssen discloses a cordless phone device having a plurality of handset for receiving/transmitting audio signals (figs.1-3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Turoinemi, modified by Janssen in order to conduct a conference call.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-

7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

August 4, 2006



**SIMON NGUYEN  
PRIMARY EXAMINER**